THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25151 of 2000

17.11.2005

Between:

A.P.State Road Transport Corporation, Hyderabad

… PETITIONER

AND

1. State Transport Appellate Tribunal, A.P., Hyderabad
and others

… RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25151 of 2000

ORDER:

A.P. State Road Transport Corporation assails the order dated 08.9.2000 in A.P.Nos.358 and 359 of 1999 passed by the first respondent directing the second respondent to grant separate pucca stage carriage permits to respondents 3 and 4 on the mofussil route Mandapeta bridge to Velagathodu as illegal and arbitrary.

The separate applications of respondents 3 and 4 were initially rejected by the second respondent. The respondents 3 and 4 filed appeals before State Transport Appellate Tribunal (STAT), the first respondent herein. By common order dated

08.9.1998, the first respondent allowed the appeals and remanded the matters to the second respondent for fresh disposal according to law, granting permits for modified route from Mandapeta bridge to Velagathodu, after calling for a joint survey. A tri-party survey was conducted. It was contended before the second respondent that there is no space at Mandapeta bridge to take a turn, which would necessitate travelling to a further distance of 1.3 KMs and therefore the route is covered by the notified route in G.O.Ms.No.782/82 and beyond permissible overlapping portion. This submission weighed with the second respondent, who rejected the application of the third respondent, by resolution dated 18.4.1998. In the appeal before the first respondent, the respondents 3 and 4 placed reliance on the decision of this Court in **K.Sudha Nagaraj v. Chief Manager, Andhra Bank** which approved the grant of permit on the route from Mandapeta bus stand to Rayavaram via Mandapeta bridge cross, Tapeswaram etc. After referring to the said judgment, the STAT having regard to the surveyor's sketch showing no overlapping on the notified route under G.O.Ms.No.782/72 came to the conclusion that there cannot be any objection for grant of permit from Mandapet bridge to Velagathodu. Accordingly, the appeal filed by the respondents 3 and 4 were allowed.

The learned Standing Counsel for APSRTS, Sri K.Srinivasa Rao, strenuously contends that Mandapeta bridge was so narrow and therefore is not possible to take a turn in the return journey in which event the overlapping would 9.3 KMs prohibited by the notified scheme. I am afraid the submission cannot be accepted. As held by this Court in **K.Sudha Nagaraj v. Chief Manager, Andhra Bank** (supra), grant of permit from Mandapeta bus stand to Rayavaram via Mandapeta bridge, Tapeswaram etc., does not in any manner result in overlapping if the overlapping distance of 1.3 KMs is excluded. Further, curiously, the submission, which is now pressed in challenge to impugned order, was not argued before the STAT and therefore, it is not permissible for the APSRTC to raise the ground before this Court. Further, in this proceedings for Certiorari, it must not be forgotten that all errors do not attract the Certiorari jurisdiction and the errors, which are gross and apparent on the face of the record, are only attracted. After perusing the order passed by the second respondent, which was reversed by the first respondent, this Court is convinced that no such error appears to have committed by the first respondent.

The writ petition, with the above observations, is dismissed. No costs.

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(**V.V.S. RAO**,**J**)

November 17, 2005.

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